

SENATE BILL 3494

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 23, relative to methods of capital
punishment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-23-114(d), is amended by
deleting the subsection in its entirety and substituting instead the following:

(d)

(1)

(i) If lethal injection or electrocution is held to be unconstitutional by the Tennessee supreme court under the Constitution of Tennessee, or held to be unconstitutional by the United States supreme court under the United States Constitution, or if the United States supreme court declines to review any judgment holding lethal injection or electrocution to be unconstitutional under the United States Constitution made by the Tennessee supreme court or the United States court of appeals that has jurisdiction over Tennessee, or if the Tennessee supreme court declines to review any judgment by the Tennessee court of criminal appeals holding lethal injection or electrocution to be unconstitutional under the United States or Tennessee constitutions, all persons sentenced to death for a capital crime shall be executed by any constitutional method of execution.

(ii) If lethal injection is for any reason determined to be unconstitutional by the Tennessee court of appeals or the United States court of appeals, the law establishing the method and procedure of execution as death by electrocution shall be revived as to the condemned and all other persons sentenced to death

shall be executed by any constitutional method of execution. If electrocution is for any reason determined by the Tennessee court of appeals or the United States court of appeals to be unconstitutional, the death sentence of the condemned and any other person sentenced to death shall remain in force until the sentence can be lawfully executed by any valid method of execution.

(iii) If lethal injection is for any reason determined by a court of competent jurisdiction other than the courts referred to in subdivisions (i) and (iii) of this section to be unconstitutional, the sentence of death by electrocution shall be revived as to the condemned and that shall be the method of executing the sentence. If electrocution is for any reason determined by a court of competent jurisdiction other than courts referred to in subdivisions (i) and (iii) of this section to be unconstitutional, the death sentence of the condemned shall remain in force until the sentence can be lawfully executed by any valid method of execution.

(2) No sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the Constitution of Tennessee or the Constitution of the United States.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.